

REMARKS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested. After entry of the foregoing amendment, Claims 1-11 remain pending in the present application. No new matter has been added.

By way of summary, the Office Action presented the following issues: Claims 1-2 and 5-11 were rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent App. Publ'n No. 2004/0261093 to Rebaud et al. (hereinafter "Rebaud") in view of U.S. Patent App. Publ'n No. 2005/0203853 to Yamamoto et al. (hereinafter "Yamamoto"); Claims 3-4 were rejected under 35 U.S.C. § 103(a) as obvious over Rebaud in view of Yamamoto and Official Notice; and Claim 10 was rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-2 and 5-11 were rejected under 35 U.S.C. § 103(a) as obvious over Rebaud in view of Yamamoto. Because Rebaud and Yamamoto do not establish a *prima facie* case of obviousness as to the features of independent Claims 1 and 10-11, Applicant respectfully traverses that rejection.

Claim 1 is directed to a content processing apparatus including, in part,

a first source ID list that indicates providing sources of contents whose reproduction is permitted; . . . and

a title list production section that produces a list of title information . . . such that a display of the title information of one of the contents which has been decided, based on the source ID applied to the one of the contents and said first source ID list, to be non-reproducible . . . can be distinguished from a display of the title information of the one of the contents if the one of the contents has been decided to be reproducible.

Rebaud and Yamamoto do not disclose or suggest those features.

Rebaud describes that a “client device 150 can obtain a listing of available media content . . . , displayed . . . on the device’s user interface 205.”¹ Rebaud further explains, “In one embodiment, [a] system server 100 provides a listing of **only** the media content that is available to that device 150.”² Rebaud does not disclose or suggest a display of media content decided not to be available. Further, even assuming *arguendo* Rebaud suggests a decision regarding the availability of the media content, Rebaud does not disclose or suggest that decision is based as recited in Claim 1.

Rebaud does not disclose or suggest “a display of the title information of one of the contents which has been decided, based on the source ID applied to the one of the contents and said first source ID list, to be non-reproducible,” as recited in Claim 1.

Yamamoto describes a “display unit 207 [that] displays grayed out buttons for . . . playback content that is not playable.”³ Yamamoto does not disclose or suggest that a decision regarding whether the playback content is playable is based as recited in Claim 1.

Yamamoto does not disclose or suggest “a display of the title information of one of the contents which has been decided, based on the source ID applied to the one of the contents and said first source ID list, to be non-reproducible,” as recited in Claim 1.

Further, as discussed above, Rebaud does not disclose or suggest a basis for a decision assumed to underlie the Rebaud display. Even assuming *arguendo* Yamamoto suggests modifying the Rebaud display, Yamamoto does not render obvious modifying the basis for the Rebaud display to meet the language of Claim 1.

Thus, Rebaud and Yamamoto, taken alone or in combination, fail to disclose or suggest that “a display of the title information of one of the contents which has been decided, based on the source ID applied to the one of the contents and said first source ID list, to be non-reproducible . . . can be distinguished from a display of the title information of the one of

¹ Rebaud, para. [0042].

² Id., para. [0043] (emphasis supplied).

³ Yamamoto, para. [0112].

the contents if the one of the contents has been decided to be reproducible," as recited in Claim 1.

Indeed, the Office Action apparently acknowledged this distinction. The Office Action did not apply Rebaud for a display of title information of media content which has been decided to be *non*-reproducible.⁴ Further, the Office Action did not apply Yamamoto for a decision whether the playback content is playable.⁵ The Office Action has not provided an evidentiary record sufficient to establish a *prima facie* case of obviousness.

For at least the foregoing reasons, Claim 1 (and all associated dependent claims) patentably distinguishes over any proper combination of Rebaud and Yamamoto.

For at least analogous reasons, independent Claims 10-11 patentably distinguish over any proper combination of Rebaud and Yamamoto.

Claims 3-4 were rejected under 35 U.S.C. § 103(a) as obvious over Rebaud in view of Yamamoto and Official Notice. Applicant appreciatively acknowledges the response to Applicant's request for evidence to support the taking of Official Notice.

Nevertheless, Applicant traverses that rejection for at least two reasons. The first reason is the Office maintained its rejection of Claims 3-4 while relying on mere allegations of knowledge in the art, rather than relying on either the cited Miyake et al. or Ando et al. references. Thus, Applicant traverses the taking of Official Notice for the same reasons set forth in the Amendment filed November 9, 2010.

The second is that, even assuming those references stand for the propositions for which they were provided, those propositions do not address whether it would have been obvious to delete content relative to the reproduction permission/inhibition decision section recited in Claim 1.

⁴ Office Action at 8.

⁵ Id.

Should the above distinctions be found unpersuasive, Applicant respectfully requests an explanation by Advisory Action pursuant to MPEP § 714.13 specifically addressing all of the points raised herein for the purpose of facilitating review of the sufficiency of the evidentiary record by the Board of Patent Appeals and Interferences.

REJECTION UNDER 35 U.S.C. § 101

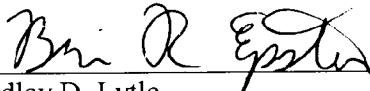
Claim 10 was rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. That claim has been amended and is now directed to a non-transitory storage medium.⁶ Applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. § 101.

CONCLUSION

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the present application is patentably distinguished over the applied references. The application is therefore in condition for allowance, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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⁶ It is understood that "non-transitory" describes the medium rather than limits data storage persistency. See Subject Matter Eligibility of Computer Readable Media, 1351 Off. Gaz. Pat. & Trademark Office 212 (2010).